



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND RECOMMENDATION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204183

Applicant Name: Dante Palmaffy

Address of Proposal: 3017 S. Walden Street

Clerk File Number: 305402

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone three parcels measuring approx. 22,000 sq. ft. from L-2 (Lowrise 2/multifamily) to NC3-40 ft. (Neighborhood Commercial 3 – 40 foot height limit). The proposal site includes Parcel A and Parcel B of Short Plat (SP) 78-62; the north 120 feet of vacated Wetmore Avenue S.; and the east ½ of the north 120 feet of the vacated alley abutting the previously mentioned Parcel A. Properties are located on the south side of S. Walden Street between Rainier Avenue S. to the west and Stacey Avenue S. to the east. The proposal includes the property addressed as 3021 S. Walden Street and portions of 3031 S. Walden Street.

The following approvals are required:

Rezone - Seattle Municipal Code (SMC) Chapter 23.34

SEPA - Environmental Determination - SMC Chapter 25.05

SEPA DETERMINATION:

[] Exempt [X] DNS [] MDNS [] EIS

[] DNS with conditions

[] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The proposed rezone site consists of two parcels and portions of vacated street rights of way fronting the south side of S. Walden Street, approximately 120 feet east of Rainier Avenue S. The combined measurement of the parcels is 22,000 square feet with a total of approximately 200 linear feet of street frontage. The two residential parcels are developed with single family residences and parking provided at the rear of each parcel. Vacated Wetmore Avenue S. is developed with an asphalt surfaced parking lot for 79 vehicles and also serves as an access drive for a manufacturing/warehouse business. The abutting vacated alley provides access to the warehouse and is also an access easement for the abutting properties to the west and east. Both the vacated alley right-of-way and vacated Wetmore Avenue south are owned and in use by the abutting commercial property to the south.

The topography of the site is relatively level ground. The single family properties have typical residential landscaping. Vacated Wetmore Avenue S. has extensive landscaped screening along the eastern boundary and a secured wrought iron fence with a planting strip along the north side. South Walden Street at this location is a paved residential street with curbs, gutters, and sidewalks on both sides of the street.

The property is zoned Lowrise 2 Multifamily Residential (L-2) and is also located within the planning boundaries of the North Rainier Hub Urban Village and Southeast Seattle Reinvestment Area (SESRA) overlay district.

Vicinity Description

Zoning in the surrounding neighborhood varies from more intensive Commercial 1 (C-1), with a 65-foot height limit along Rainier Avenue S. to L-2 with a 25-foot height limit, directly north and east of the subject property and a least intensive, Single Family (SF) 5000 zoned area, one block further east. The abutting properties to the east, fronting Gale Place S., are developed with a single family residence on the corner lot and the remainder of the block face with a two story apartment complex. The block face along the north side of S. Walden Street is developed with a convenience store fronting Rainier Avenue S.; an improved alley; two newly constructed single family residences, one fronting Walden Street and the other fronting Wetmore Avenue S. A grocery store fronting Rainier Avenue S., abuts the subject property to the west.

The abutting property to the south, also zoned C-1, (however, with a 40-foot height limit), is developed with a manufacturing/warehouse business that was part of large neighborhood redevelopment and rezone effort approved in the mid 1980's (phase one of the "Rainier/Genesee Business District Plan").

S. Walden Street at this location, even though it is not officially listed, serves as a limited arterial for east/west travel through the neighborhood. The intersection at Rainier Avenue S. and S. Walden has a traffic signal. John Muir Elementary School is located three blocks east and the Washington Rehabilitation Center is located three blocks to the west, both fronting S. Walden Street.

Project Description

The Land Use Code, section SMC 23.34, “Amendments to Official Land Use Map (Rezoning),” allows the City Council to approve a map amendment (rezone) according to procedures as provided in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. The owner/applicant has made application, with supporting documentation, per SMC 23.76.040 D, for an amendment to the Official Land Use Map.

The original application submitted to DCLU was to rezone only the two residential properties (Parcels A and B of SP 78-62) to Neighborhood Commercial 3. The owner/applicant would like to re-develop these properties with a mixed-use structure on the easterly property and a warehouse structure on the remaining parcel for use by the adjacent grocery store to the west.

The rezone area was expanded to include the abutting vacated rights-of-way because it was found during the initial review of this proposal that the zoning for these properties were not included in a 1986 rezone proposal as intended and have remained residentially zoned.

Additional Background Information

The vacated portions of Wetmore Avenue S. and the abutting alley were never formally rezoned to C1-40 to accommodate the development of the manufacturing/warehouse business on adjacent property. This proposal was a part of the 1986 Rainier/Genesee Business District Plan, which targeted several areas in the north Rainier Valley for zoning amendments to encourage economical development and commercial growth. A Property Use and Development Agreement (PUDA) for Glant Manufacturing, located at 3414 Rainier Ave S, was approved by the City Council in 1988. In the plan, the subject properties fronting S. Walden Street, were described as part of this rezone effort. The rights-of-way were to provide access and parking for the business. The Glant owners, however, chose not to purchase Parcels A and B and therefore, were not included in the approved PUDA.

A street vacation for the affected rights-of-way was approved by Council in 1990, after PUDA approval. The final transfer of ownership omitted the necessary rezone of the former rights-of-way. As a result, the current owners of the two remaining lots fronting S. Walden St. are sandwiched between a commercial use and their property is still zoned L2. They would like to rezone their property to NC3-40 to accommodate a mixed use structure and a warehouse use. The owners of the former rights-of-way would like to have their property zoned commercial as originally intended.

Previous Permitting/Planning History

- Short Subdivision 78-62 - 3017/3021 Walden Av. S. (recorded 1978)
 - *created two parcels of former lots 1-4, Blk 14, Bryon Add.;
 - *site of proposed rezone (MUP #2204183) L-2 zone to NC 3-40 zone.
- Rainier/Genesee Business District Plan, Ph 1 - (Resolution 27561, 1986)
 - *contemplated subject properties to be rezoned to C1-40, including Wetmore Av. S (described as area “1-a” in the Plan);

- *anticipated development of abutting property to south (3414 Rainier S.) as a commercial use (originally included subject property as one site);
- *contemplated street vacation of abutting alley between S. Walden and S. Estelle Streets (this street located one block south of S. Walden Street);
- *contemplated street vacation for Wetmore Avenue S., between S. Walden and S. Estelle Streets (1/2 of street to abutting E/W properties);
- *map shows C1-40 zoning for entire 1/2 block, including subject properties.
- Zoning Amendments - (Ord.113245, approved 12/23/86),
 - *discussed subject properties, however, did not include in zone amendments due to anticipated PUDA for smaller commercial development site (Glant site include lots 5-12);
 - *supporting staff document described site as "area 1-a" (report 12/4/86, by Council staff, Susan Golub) including subject properties;
 - *site map shows partial (west 1/2) street vacation between Walden and Estelle.
- PUDA - for 3414 Rainier Av. S., the Glant Site (recorded 2/17/88)
 - *anticipated rezone to C1-40, however applicant only owned lots 5-12;
 - *PUDA included site plan showing parking for 79 vehicles in proposed vacated Wetmore Ave S., and commercial access via proposed vacated alley both extending from Walden to Estelle;
 - *conditions included meeting recommendation of R/GBD Plan, for "area 1a" (which shows C1-40 zoning including Wetmore and abutting alley)
- Zoning Amendment - (Ord. 113861, approved 3/8/88)
 - *rezoned lots 5-12, Blk 14, Byron Add., together w/ the ..."*entire underlying interest in Wetmore Av. S. abutting, and the alley of said Blk. 14.*"
 - *Exhibit A map shows rezone area as lots 5-12 and portion of half of Wetmore directly abutting lots 5-12 and half of abutting alley, but didn't extend to Walden.
- MUP #8801220 - 3414 Rainier Av. S. (approved 5/26/88)
 - *establish use for Glant as warehouse/manufacturing;
 - *mentioned Wetmore Av. S. vacation pending;
 - *proposal included parking for 79 vehicles in entire Wetmore r-o-w;
 - *variance granted to reduce amount of buffering along E. boundary of Wetmore S. r-o-w;
 - *no mention of commercial zone change to remainder of Wetmore yet allowed commercial parking (which isn't allowed in residential zones).
- Street Vacation - Wetmore Av. S. and abutting alley (Ord. 114911, app. 2/21/90)
 - *entire portion of Wetmore and alley, between Walden and Estelle, vacated and sold to Glant;
 - *no mention of resulting zone designations.
- Southeast Seattle Reinvestment Area (SESRA) - (Overlay district est. 1992)
 - *subject property located within district boundaries.
- North Rainier Neighborhood Plan - (adopted in 1999)
 - *most recent planning document affecting subject property;
 - *establishes North Rainier Valley as a "Hub Urban Village";
 - *does not discuss 1986 Rainier/Genesee Business District Plan nor SESRA inclusion.

Public Comments

Initial notice of the proposed project was published on November 7, 2002. The required public comment period was extended and ended on December 4, 2002. No comments from surrounding neighbors were received. The proposal was re-noticed on March 3, 2003 to include the expanded proposal site and the comment period ended March 17, 2003. A comment letter was received from a representative of the adjacent manufacturing business expressing concern regarding parking and blocking access in the former alley right-of-way.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated at SMC Sections 23.34.007 (rezone evaluation), 23.34.008 (general rezone criteria), 23.34.009 (height limits), 23.34.018 (L2 zone, function and locational criteria), 23.34.072 (designation of commercial zones), and 23.34.078 (NC3 zone, function & locational criteria). The zone function statements are to be used to assess the likelihood that the area proposed to be rezoned would function as intended.

The most reasonable order for analysis does not follow the section numbering. In the following analysis, SMC Section 23.34.018 will be considered first, because it may be determinative. Then follows 23.34.072, which prescribes general commercial considerations; 23.34.078 (which activates consideration of the location criteria of 23.34.008 and 23.34.009); and finally 23.34.007, which requires synthesis of all the foregoing analyses. The pattern below is to quote applicable portions of the rezone criteria in italics, followed by analysis in regular typeface.

SMC 23.34.018 Lowrise 2 (L2) zone, function and locational criteria.

A. Function. The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground-related units, while remaining at a scale compatible with single-family structures.

B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:

1. Development Characteristics of the Areas.

a. Areas that feature a mix of single-family structures and small to medium multifamily structures generally occupying one (1) or two (2) lots, with heights generally less than thirty (30) feet;

b. Areas suitable for multifamily development where topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;

c. Areas occupied by a substantial amount of multifamily development where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.

2. Relationship to the Surrounding Areas.

a. Properties that are well-suited to multifamily development, but where adjacent single-family areas make a transitional scale of development desirable. It is desirable that there be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single-family area.

However, this is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship within abutting single-family areas;

b. Properties that are definable pockets within a more intensive area, where it is desirable to preserve a smaller scale character and mix of densities;

c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;

d. Properties where vehicular access to the area does not require travel on "residential access streets" in less intensive residential zones.

The two residential properties are surrounded on three sides by commercial development. The former vacated rights-of-way have been in use as commercial property for the last 13 years. As a part of the original PUDA approval in 1988, the owners of the commercial portion of the abutting property installed an extensive landscape buffer between their property and the residentially zoned property to the east, in effect creating zoning edge. The subject residential properties are further separated from the surrounding L-2 zoned development. One of the residential properties directly opposite on S. Walden Street faces Wetmore Avenue S. and is part of new residential development directly related to that block face rather than the commercial uses along S. Walden Street.

The one remaining single family residence does front directly opposite the subject property and abuts an alley serving commercial uses fronting Rainier Avenue S. This residence would be somewhat impacted by increased intensity of development on the subject property, however, future development would not be of a scale to severely impact this property beyond current circumstances. As previously mentioned, the property to the east is developed with a multi-family residential use, at a higher density than anticipated by L-2 zoning. The proposed rezone site is constrained by the existing commercial development abutting the site and is not necessarily suited for continued residential use.

Based on these factors, the proposal site is only marginally compatible with the function of the Lowrise 2 zone.

SMC Section 23.34.072 Designation of Commercial Zones

A. The encroachment of commercial development into residential areas shall be discouraged.

B. Areas meeting locational criteria for single-family designation may be designated NC130'/L1, NC2 30'/L1 or NC3 30'/L1 only as provided in Section 23.34.010.B.

C. Preferred configuration of commercial zones shall not conflict with the preferred configuration and edge protection of residential zones as established in the Single Family Policies.

D. Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling commercial areas.

E. The preservation and improvement of existing commercial areas shall be preferred to the creation of new business districts.

The subject property was considered appropriate for commercial use in 1986. Portions of the property have been in continuous commercial use since 1990 and are developed with a parking lot for 79 vehicles and a driveway for commercial deliveries. The opposite block face along S. Walden Street is developed with a retail use fronting Rainier Avenue S. and the remaining

eastern portion is developed with a duplex that has its side and rear yard facing the street. Because of the existing commercial development on the south side of S. Walden Street, however, infilling the remaining two parcels with commercial development would not adversely effect the new structures on this block face.

Rezone approval would correct a mapping error on former street rights-of-way intended for commercial use and would allow the development of new infill commercial uses in an area targeted for commercial development. The proposed rezone represents a minor infill of an existing commercial area. Future commercial development would be part of the Rainier Valley retail district.

SMC 23.34.078 Neighborhood Commercial 3 (NC3) zone, function and locational criteria.

A. Function.

1. A pedestrian-oriented shopping district serving the surrounding neighborhood and a larger community or citywide clientele. The area provides for comparison shopping with a wide range of retail goods and services. The area also provides offices and business support services that are compatible with the retail character of the area and may also include residences. These areas provide locations for single purpose commercial structures, multi-story mixed use structures with commercial uses along with the street front and multi-story residential structures.

2. Desired Characteristics.

- a. Variety of retail businesses at street level;*
- b. Continuous storefronts built to the front property line;*
- c. Intense pedestrian activity;*
- d. Shoppers can drive to the area, but will walk around from store to store;*
- e. Cycling and transit are important means of access.*

B. Locational Criteria. The Neighborhood Commercial 3 zone designation is most appropriate in areas generally characterized by the following:

1. Existing Character.

- a. Major commercial nodes surrounded by medium- to high-density residential areas or other commercial areas; or*
- b. Commercial, retail-oriented strip along a major arterial with significant amounts of retail frontage and generally surrounded by medium-density residential areas; or*
- c. Shopping centers.*

2. Physical Conditions Favoring Designation as NC3.

- a. Served by principal arterial;*
- b. Separated from low-density residential areas by physical edges, less-intense commercial areas or more-intense residential areas;*
- c. Highly accessible for large numbers of people (considering present and anticipated congestion) so that intense activity of a major commercial node can be accommodated;*
- d. Combination of circulation and transit system accommodates commercial traffic without drawing traffic through residential areas;*
- e. Excellent transit service;*
- f. Presence of large, perhaps shared, off-street parking lots; land available for additional parking, or other means to accommodate parking demand.*

The proposal would allow the development of a mixed-use structure that would provide retail space at the ground level and residential development on the upper floors. The property is in

close proximity to transit along Rainier Avenue S. and other retail businesses that serve pedestrian clientele. The warehouse would provide needed storage for an existing retail use. The proposed Neighborhood Commercial zoning would correct the existing commercial access and parking condition in the former rights-of-way, which are not permitted uses in the current Lowrise residential zone.

The residential portion of the subject property is surrounded on three sides by commercial uses and is adjacent to a commercial oriented strip along a major arterial, Rainier Avenue S. The proposed zone designation would provide a transition from the more intensive Commercial 1 zoned properties to the west and south and the residential uses to the east and north. The former rights-of-way have been in commercial use for 13 years. The eastern border of the proposal site is heavily screened by a fence and a five-foot wide landscape planter that is densely vegetated, providing a physical edge to the rear yard of the abutting residential property. S. Walden Street at this location is a moderately used street that would provide some separation for the residential properties to the north. The property is within a half block to a transit stop that is served by four bus routes. Commercial deliveries would continue to use the existing driveway access and would not traverse through residentially zoned property.

Based on these factors, the proposal site is would be more compatible with the function of a Neighborhood Commercial zone.

SMC 23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.

The subject site is within North Rainier Valley Hub Urban Village identified in the Seattle Comprehensive Plan as amended by Ordinance 119671. The proposed rezone from L-2 to NC3-40' will not decrease zoned capacity within the hub urban village. Residential development of the site would be minimal due to the size of the property and would not exceed targeted residential growth in the planning area. Two residential units would be demolished and up to four could be re-constructed for a net of two additional units. Commercial zoned capacity is not a criteria in Hub Urban Villages. It appears that the proposed rezone would meet the zoned capacity rezone criteria.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

Please refer to the above discussion per SMC 23.34.018 and SMC 23.34.078

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The subject properties were zoned RS 5000 in 1957. With adoption of Title 23 Land Use Code, the site was rezoned to L-2 in 1982. The commercial properties to the west fronting Rainier Avenue S. were zoned BC in 1957 and C-1/65 in 1982. As previously mentioned, the abutting property to the south was rezoned to C-1/40 in 1988. The immediate residential properties to the east and north were also zoned RS 5000 in 1957 and were rezoned to L-2 in 1982.

It does not appear that any circumstances related to the property have changed since the previous rezones, except that amendments to Chapter 23.34 include changes to the rezone criteria which are applicable to the proposal. The approval of this rezone request would not result in precedential effects in the immediate area because of the unique circumstances of the redevelopment history of the abutting commercial property to the south and the location and use of the former rights-of-way.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The North Rainier Neighborhood Plan was published in February, 1999 and subsequently adopted by Resolution of the City Council. The City's Comprehensive Plan was amended to incorporate portions of the Plan (Ordinance Nos. 1119671 and 119681) in September 27, 1999.

The subject site is located within established Hub Urban Village boundaries. The proposed rezone is consistent with the general guidelines, recommended actions and implementation strategies as they are set forth in the plan. The development of the two residential properties on this site is consistent with the expressed objectives to encourage new businesses, to provide for a diversification of housing opportunities, and to address Rainier Avenue S. as a priority pedestrian improvement area.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

- c. Distinct change in street layout and block orientation;*
- d. Open space and greenspaces;*
- 3. *Zone Boundaries*
 - a. In establishing boundaries the following elements shall be considered:*
 - (1) Physical buffers as described in subsection E2 above;*
 - (2) Platted lot lines.*
 - b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located, and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.*

In this instance the existing commercial use and its required landscape screening has set the tone for separation of uses since 1990. The infill commercial re-development of the two residential properties would not adversely affect the residential property further to the east nor to the west. S. Walden Street provides a buffer for the residential property on the north side of the street. The mixed-use proposal would also be subject to design review which could effectively deal with additional height, bulk and scale issues. The warehouse structure would have loading and access via the former alley right-of-way per an existing access easement granted to the property.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

- 1. Factors to be examined include, but are not limited to, the following:*
 - a. Housing, particularly low-income housing;*
 - b. Public services;*
 - c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*
 - d. Pedestrian safety;*
 - e. Manufacturing activity;*
 - f. Employment activity;*
 - g. Character of areas recognized for architectural or historic value;*
 - h. Shoreline view, public access and recreation.*
- 2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:*
 - a. Street access to the area;*
 - b. Street capacity in the area;*
 - c. Transit service;*
 - d. Parking capacity;*
 - e. Utility and sewer capacity;*
 - f. Shoreline navigation.*

The proposal would displace two residential units, however, more than two units could be constructed with the development of a modest mixed use structure allowed in an NC-3 zone. Demand for public services would remain essentially unchanged with this zoning reconfiguration. More than adequate street, transit, parking and other utilities are available to serve future development.

Pedestrian safety along the abutting three street frontages of the subject area would not be affected by this rezone, nor would the architectural character of the area be altered in any way.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

Commercial development hasn't occurred in the neighborhood since 1990. Four parcels to the north have been redeveloped with single family residences.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The property is within the Southeast Seattle Redevelopment Area (SESRA) overlay district. The purpose is to encourage redevelopment of underutilized properties and to foster economic growth in the Rainier Valley.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The proposal site is located within an Environmental Critical Area (ECA) only to the extent that the soil could be liquefaction-prone. The rezone will not have an adverse impact on any ECA.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D2, are present.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

Existing zoning development standards for L-2 permit structures 25 feet in height with an additional allowance of 5 feet for a moderately pitched roof or 10 feet for a steeply pitched roof. The proposed 40-foot height limit would be consistent with the commercially zoned property to the south and would provide a transition between the 65-foot height limit of properties fronting Rainier Avenue S. and the remaining L-2 zoned properties to the east. The topography of the area is relatively flat. No views would be blocked by the proposed 40-foot height. NC-3/40' regulations allow greater scale of development than L-2 regulations, both horizontally and vertically. The height limits established by the adjacent L2 zoning is essentially 25 feet. The requested 40-foot height limit, together with the greater development potential of the NC-3 zone, if approved, would be represent an increased bulk and scale potential compared with the height and scale of development potential of the adjacent L2 zone.

The North Rainier Neighborhood Plan does not address height considerations in any of its goals or policies for future development.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements

for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

F. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.

G. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

The above analysis considered the foregoing criteria. Given the circumstances of the subject properties, the Neighborhood Commercial zone would be a more suitable zoning designation for the property rather than the existing L-2 zone.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed rezone to NC3-40' be **APPROVED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 21, 2002, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape and parking), comments from members of the community, site visits by the Land Use Planner, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."* Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

No new construction of structures is proposed for the subject site at this time. The rezone would result in the opportunity for the residential properties to be redeveloped. Future construction of a mixed-use structure on SP78-62, Parcel A, would likely require SEPA and Design Review. Development of a warehouse structure on Parcel B would require SEPA review if larger than 4,000 sq. ft. The commercial use of the former rights-of-way would continue as currently developed. On this basis, there would be no temporary or construction-related impacts directly resulting from the rezone. Therefore, no conditioning pursuant to SEPA construction policies is warranted.

Long-term Impacts

The existing former rights-of-way would continue to be in use as commercial access and parking. The long-term or use-related impacts associated with development of Parcels A and B of SP 78-62 would be addressed at the time of permit application. No additional SEPA conditioning or mitigating measures is warranted at this time.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

None.

RECOMMENDED CONDITIONS – REZONE

None.

Signature: (signature on file) Date: June 12, 2003
Carol I. Proud
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